

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

DEMETRE DURHAM,	)	CIVIL NO.
	)	1:23-CV-00244 LEK-WRP
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	
NATIONAL CREDIT ADJUSTERS, LLC,	)	
	)	
	)	
Defendants.	)	
_____	)	

ZOOM DEPOSITION OF  
JENICE BESLEY

Taken on behalf of the Plaintiff, DEMETRE DURHAM, Via  
Zoom Format, Commencing at 7:00 a.m. HST, on September  
19, 2024, pursuant to notice.

BEFORE:  
SHEILA MOORE, RPR, RMR, CMRS, CRR, CSR No. 501

1 APPEARANCES:  
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 23  
 24 ALSO PRESENT:  
 25 Jacob Bach  
 Jenice Besley

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1 JENICE BESLEY,  
 2 Of lawful age, called for examination, being by me  
 3 first duly sworn, as hereinafter certified, deposed  
 4 and said as follows:  
 5 EXAMINATION OF JENICE BESLEY  
 6 BY MR. KELLER:  
 7 Q. Good morning.  
 8 A. Good morning.  
 9 Q. So the time is 1:06 p.m. Eastern, I think 7:06  
 10 a.m. Hawaii Time, and probably 12:06 p.m. your time,  
 11 yeah?  
 12 A. Right.  
 13 Q. All right. So we're here for the  
 14 stenographic/audio visual deposition of -- give us  
 15 your name, please.  
 16 A. Jenice Besley.  
 17 Q. Jenice Besley. Miss Besley, where do you work?  
 18 A. National Credit Adjusters.  
 19 Q. You also know them as NCA?  
 20 A. Right.  
 21 Q. How long have you worked for NCA?  
 22 A. Seven years.  
 23 Q. What's your title?  
 24 A. E-OSCAR representative.  
 25 Q. What -- what led you to start working for NCA?

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 9 \*\* ALL EXHIBITS MARKED AFTER DEPOSITION CONCLUDED \*\*  
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 25

1 A. I heard it's a new company when I just started  
 2 it was just recently in Jamaica. I heard about it so  
 3 I was interested in coming here to work.  
 4 Q. Where were you working before?  
 5 A. Global Gateway Solution.  
 6 Q. What's that?  
 7 A. That's another call center.  
 8 Q. Do you know what they do, Global Gateway  
 9 Solutions?  
 10 A. Yes, they're collect -- collecting accounts.  
 11 They're collecting -- collecting agency, collecting  
 12 accounts.  
 13 Q. Global Gateway Solutions is a debt collector?  
 14 A. Yes.  
 15 Q. NCA is also a debt collector?  
 16 A. Yes.  
 17 Q. What did you do for Global Gateway Solutions?  
 18 A. I was a collector or account manager.  
 19 Q. Account manager is what they call --  
 20 A. Collectors.  
 21 Q. -- the collectors at Gateway?  
 22 A. Um-hum, yes.  
 23 Q. NCA also -- scratch that. You said Global  
 24 Gateway Solutions, right?  
 25 A. Right.

1 Q. NCA calls its debt collectors account managers,  
2 correct?  
3 A. Right.  
4 Q. What the debt collectors for NCA are actually  
5 doing, is they're calling consumers to try to collect  
6 on consumer debt, yes?  
7 A. Yes.  
8 Q. What did you want to be when you were growing  
9 up?  
10 A. Actually I did want to be a teacher.  
11 Q. Any specific --  
12 A. Grade one teacher.  
13 Q. I like that. Got to have patience for that.  
14 A. Right.  
15 Q. Why didn't you pursue that?  
16 A. Because I got pregnant out of school early, so  
17 all the dream I have to scratch that and take care of  
18 family.  
19 Q. Where'd you start working after school?  
20 A. A daycare center.  
21 Q. How long did you do that?  
22 A. About three years.  
23 Q. And then where'd you go?  
24 A. After that I -- I pursued other certificates.  
25 I went to HEART TRUST/NTA, that's an institute in

1 for --  
2 A. Right.  
3 Q. -- the company Sandals?  
4 A. Right.  
5 Q. What about after that?  
6 A. After that, then I -- I wasn't working for a  
7 little while because I take care of my children. And  
8 then I went to Global -- no, I went to Alliance One  
9 first, and then I leave Alliance One, went to Global,  
10 and then to NCA.  
11 Q. What's Alliance One?  
12 A. It's another call center. They're now known as  
13 Teleperformance.  
14 Q. Teleperformance. For Global also known as  
15 Teleperformance, who would you answer calls or make  
16 calls for?  
17 A. Could you repeat your question?  
18 Q. Yeah. For -- when you worked for  
19 Teleperformance, did Teleperformance accept calls for  
20 another company?  
21 A. Teleperformance would be a collection agency as  
22 well. They do collection as well there.  
23 Q. I'm thinking there's a name I may be mixing up.  
24 I may be mixing up companies.  
25 Anyway, so you left Alliance One, right?

1 Jamaica. We learn skills. And I also went to another  
2 training institution where I do front desk management.  
3 Q. What's the name of the institute in Jamaica  
4 that you went to first?  
5 A. HEART TRUST/NTA.  
6 Q. HEART TRUST/NTA?  
7 A. Yes.  
8 Q. Right on. And where's that located?  
9 A. Sandy Bay, Jamaica. Sandy Bay, Lucea, Jamaica.  
10 Q. Can you pronounce that for me? I love your  
11 accent, but I couldn't make it out.  
12 A. Sandy Bay, Hanover, Jamaica.  
13 Q. Hanover, Jamaica, my apologies.  
14 So you went to HEART TRUST/NTA, and then you  
15 said you did front desk work elsewhere. Where was  
16 that?  
17 A. I only did the course, I did not actually do  
18 the job. And then I -- I didn't pursue those goals --  
19 after I did the training I really didn't continue. I  
20 work also at Sandals, housekeeping.  
21 Q. All scaping?  
22 A. House. Housekeeping. At Sandals Royal.  
23 Q. Spell that name for us.  
24 A. Sandals, S-a-n-d-a-l-s.  
25 Q. Sandals. You were -- you were a housekeeper

1 A. Right.  
2 Q. You started --  
3 A. Global Gateway Solution.  
4 Q. Global Gateway Solutions was also known as  
5 Teleperformance, correct?  
6 A. No.  
7 Q. Oh, that was a separate call center?  
8 A. Yes, that's two different companies.  
9 Q. My -- I think that's why I was confused. I  
10 thought you were saying Global was known as  
11 Teleperformance.  
12 Teleperformance was its own company?  
13 A. Yes.  
14 Q. When did you work for Teleperformance?  
15 A. I can't think quite here as yet. I don't quite  
16 remember. I did work for them and then I went to  
17 Global and now I'm at NCA.  
18 Q. What did your job at Teleperformance require  
19 you to do?  
20 A. I was a collector.  
21 Q. Were you collecting for Teleperformance or  
22 other companies?  
23 A. Teleperformance, they collect on debts  
24 outstanding for companies like Target, Capital One, so  
25 forth. So I was on Capital One at Teleperformance.

1 Q. How much were you paid when you worked for  
2 Teleperformance?  
3 A. Not a lot. Not a lot. When I just started I  
4 get \$120 JMD per hour. So it wasn't a lot.  
5 Q. Did it increase?  
6 A. Yes, but not by much.  
7 Q. When you worked for Global, how much were you  
8 paid?  
9 A. Global, around 200-and-something dollars per  
10 hour.  
11 Q. So a bit more?  
12 A. Yes, a bit more. That's why I moved from one  
13 place to the other.  
14 Q. And what made you -- what made you decide to  
15 move to working for NCA?  
16 A. Like I said, it was a new company in Jamaica  
17 and I heard about the pay, so, yes.  
18 Q. What was the pay?  
19 A. When I started I -- I started at \$3.25 per  
20 hour. That's \$3.25 U.S. per hour.  
21 Q. What year did you start working for NCA?  
22 A. July 10, 2017.  
23 Q. What did you do when you first started working  
24 for NCA?  
25 A. When I started working I was an account

1 manager.  
2 Q. A debt collector?  
3 A. Right.  
4 Q. Did you like that job?  
5 A. Yes, but it can be a bit stressful at times.  
6 But, yes.  
7 Q. Do you get a lot of calls of people complaining  
8 that they don't owe money or you got the wrong person?  
9 A. Actually I was on the outbound side. I was  
10 making all the calls.  
11 Q. So it was your job to try to get people to pay  
12 money?  
13 A. Right.  
14 Q. How long did you work as a debt collector for  
15 NCA?  
16 A. I did a year and a half. I did a year and a  
17 half working as a collector.  
18 Q. And during that year and a half, what was the  
19 target that you were required to meet?  
20 A. Honestly I don't remember the exact quotas I  
21 did have at that time --  
22 Q. But there was --  
23 A. -- but there was a goal to me, a monthly goal.  
24 Q. There was a monthly goal that you had to  
25 achieve in your job?

1 A. Right.  
2 Q. When did you -- I'll ask you a new question,  
3 okay? Can you hear me?  
4 A. Yes, I'm hearing you.  
5 Q. After you were a debt collector for NCA, what  
6 was your next job?  
7 A. I was still -- I'm still working at NCA. After  
8 -- after account manager position I went to the dialer  
9 tech support.  
10 Q. Data tech?  
11 A. Dialer tech. We send calls to the agents.  
12 Q. So it was your job to send phone calls to the  
13 debt collectors --  
14 A. Right.  
15 Q. -- so they could be connected to consumers?  
16 A. Right.  
17 Q. In that job would you have a list of a bunch of  
18 consumers and phone numbers and it was your job to  
19 dial them and connect them?  
20 A. No. No.  
21 Q. What did you do?  
22 A. It's -- it's a queue, all the information come  
23 in the queue and then we'll just press enter and it  
24 will send off, but we are not seeing the account  
25 information or anything.

1 Q. So your job was to click a button to --  
2 A. To just click a button and send off the calls  
3 to -- and any available agent will receive it.  
4 Q. And that was when you were working for NCA as a  
5 dialer tech, yes?  
6 A. Right.  
7 Q. How long did you work in that position?  
8 A. It's another year and a half I did work there.  
9 Q. What were you paid there?  
10 A. \$4 and -- no -- \$3.50. Somewhere about there.  
11 Q. When did you start working -- what was your  
12 next job for NCA after being a debt collector and a  
13 dialer tech?  
14 A. E-OSCAR rep.  
15 Q. When did you start as an e-OSCAR rep?  
16 A. June, 2020.  
17 Q. Did you ask for that job or did someone place  
18 you there?  
19 A. I was on dial tech and the position became  
20 position became available so I did apply for it.  
21 Q. What was the pay for an e-OSCAR rep when you  
22 started in June of 2020?  
23 A. \$4.04.  
24 Q. \$4.04?  
25 A. Right.

1 Q. What did you do -- what you did as an e-OSCAR  
2 rep in June of 2020, was that the same thing that you  
3 do today?

4 A. Right.

5 Q. Did your pay increase from when you started as  
6 an e-OSCAR rep in June of 2020, to today?

7 A. Yes.

8 Q. What were the increases?

9 A. It's now \$5.15. \$5.25, my bad. 25 cents.

10 Q. And were those incremental increases over time?

11 A. Yes.

12 Q. So you went from \$4.04 per hour to what?

13 A. \$5.25.

14 Q. Well, \$5.25 today, right?

15 A. Right.

16 Q. But did it go straight from 4.04 all the way up  
17 to 4.25 or were there other increases in between?

18 A. It went up to \$5.25.

19 Q. Okay, so you -- your pay was increased by one  
20 dollar and 21 cents all at one time?

21 A. I think so.

22 Q. In your job as an e-OSCAR rep when you first  
23 started to today, did NCA have any targets that you  
24 were required to meet as far as how many ACDVs you  
25 were supposed to process?

1 yearly bonus.

2 Q. How does NCA determine what your yearly bonus,  
3 if any -- that was a bad question, I'll ask you a new  
4 question, okay? Can you hear me?

5 A. Yes, I'm hearing you.

6 Q. Your yearly bonus whether NCA gives you a  
7 yearly bonus, what's that based on?

8 A. Knowledge of the account, of the job.

9 Q. What's that mean?

10 A. What we're required to do on e-OSCAR, knowledge  
11 of it.

12 Q. Your bonus is based on processing a certain  
13 number of ACDVs, correct?

14 A. Not necessarily.

15 Q. That is one of the factors that encompasses how  
16 much you get as far as a bonus, correct?

17 A. One of.

18 Q. Can you tell me any other factors other than  
19 the number of ACDVs that you process?

20 A. Accuracy.

21 Q. Anything else?

22 A. You go by accuracy of, amount of ACDVs. I  
23 don't quite remember anything else, but accuracy is  
24 one of the main. The main factor.

25 Q. That's what they tell you?

1 A. Yes, we would have to process 10 to 15 per  
2 hour.

3 Q. So that's 10 to 15?

4 A. ACDVs per hour.

5 Q. And ACDVs are the document that corresponds to  
6 when a consumer is disputing something in their  
7 credit, right?

8 A. Right.

9 Q. So you had to do 10 to 15 of those per hour,  
10 right?

11 A. Right.

12 Q. Is that still the same today?

13 A. It's a bit up to 20. It's up to 20 per hour  
14 now.

15 Q. So since you've started NCA has actually  
16 increased the requirement, the target for how many  
17 ACDVs you're required to process?

18 A. Yes.

19 Q. Do you have available to you the opportunity  
20 for overtime, bonuses, promotions, anything like that?

21 A. Yes, it's given. They're given, yes. But we  
22 haven't had overtime for a while now, and if position  
23 is available you can apply for it.

24 Q. When you say --

25 A. And we do get bonus, yearly bonus. We get

1 A. Yes.

2 Q. Accuracy; if one of your ACDVs, one of your  
3 ACDV responses is audited, whether it's accurate  
4 depends on whether the information that you submitted  
5 to the credit bureaus matches the data that's in NCA's  
6 system, correct?

7 A. Repeat your question, please.

8 Q. Sure. Accuracy for your job in processing  
9 ACDVs at NCA simply means that your submission of the  
10 ACDV to the credit bureaus includes the same data  
11 which is in NCA's collection system, correct?

12 A. Yes.

13 Q. You don't know where the information in NCA's  
14 collection system comes from, correct?

15 A. Basically when we pull up the account we can  
16 see that it comes from different places or credit  
17 places like Cash Central, to name a few. So, yes, we  
18 can see where it's coming from, but otherwise from  
19 that.

20 Q. Sorry, I didn't mean to interrupt you. Were  
21 you done?

22 A. Yes.

23 Q. You assume based on reading on the screen and  
24 your collection notes that the name for the original  
25 creditor is where the information is coming from,

1 right?  
 2 A. Right, from the notes that we pull up.  
 3 Q. And you also assume that the information from  
 4 the original creditor comes from the consumer; is that  
 5 right?  
 6 A. Because that's what we are seeing.  
 7 Q. Right. But you don't actually -- you've never  
 8 actually spoken to anyone who works for the alleged  
 9 original creditor, right?  
 10 A. No.  
 11 Q. You've never actually done any investigation on  
 12 whether the information in the NCA system is true or  
 13 accurate, correct?  
 14 A. No.  
 15 Q. No, that's not true or, no, you've not done any  
 16 investigation?  
 17 A. No, we don't do any investigation. At least I  
 18 don't do any investigation.  
 19 Q. You've never done any investigation in the  
 20 entire time that you've been working for NCA, correct?  
 21 A. No, never done an investigation.  
 22 Q. That's never been your job, right?  
 23 A. No.  
 24 Q. It's not anybody's job at NCA to conduct any  
 25 investigations, correct?

1 A. Five days.  
 2 Q. Five days per week every week?  
 3 A. Monday through Friday every week.  
 4 Q. And that's been as long as you've been working  
 5 for the company, yes?  
 6 A. Yes.  
 7 Q. What's your phone number?  
 8 A. 876-298-9562.  
 9 Q. Your email address?  
 10 A. BesleyJenice92@gmail.com.  
 11 Q. Could you go ahead and spell your name for us?  
 12 I should have asked that earlier.  
 13 A. B-e-s-l-e-y, J-e-n-i-c-e.  
 14 Q. And how would you like me to address you?  
 15 A. Miss Besley is good.  
 16 Q. What year were you born?  
 17 A. 1982.  
 18 Q. What's your highest level of education?  
 19 A. I graduated from junior high and then I went  
 20 for, like I stated, to get further certificates in  
 21 different fields.  
 22 Q. Did you say junior high?  
 23 A. Yes.  
 24 Q. And where was that?  
 25 A. Mount Salem Primary and Junior High.

1 A. I'm not sure, but that's not part of my job  
 2 description.  
 3 Q. And your job description is to process the  
 4 ACDVs that come in from the credit bureaus by matching  
 5 the data that's in NCA's system back to the credit  
 6 bureaus, right?  
 7 A. Right. So we use both systems. We use NCA  
 8 system and also e-OSCAR system, so we match  
 9 information there and then send it off.  
 10 Q. I appreciate that. So how long have you been  
 11 working for NCA?  
 12 A. Seven years.  
 13 Q. I apologize, you told me that.  
 14 What's your understanding of what NCA  
 15 accomplishes?  
 16 A. Repeat your question, please.  
 17 Q. Yes, what does National Credit Adjusters do?  
 18 A. National Credit Adjusters is a collection  
 19 agency. Collect on outstanding debts.  
 20 Q. It collects on debts that it alleges are owed;  
 21 is that right?  
 22 A. Right.  
 23 Q. All consumer debts, right?  
 24 A. Consumer debts, yes.  
 25 Q. And NCA does that how many days per week?

1 Q. Could you spell that for us?  
 2 A. That's M-o-u-n-t, S-a-l-e-m, J-u-n-i-o-r,  
 3 H-i-g-h, S-c-h-o-o-l.  
 4 Q. Thank you.  
 5 A. You're welcome.  
 6 Q. You said you have certificates in different  
 7 fields?  
 8 A. Right.  
 9 Q. What all certificates do you have?  
 10 A. Food and beverage management, housekeeping  
 11 management, front desk management.  
 12 Q. Anything else?  
 13 A. No.  
 14 Q. You said that you had a child. Do you have  
 15 just one child?  
 16 A. No.  
 17 Q. How many children do you have?  
 18 A. Five.  
 19 Q. And what are their ages?  
 20 A. 27, 22, 20, 17, 8.  
 21 Q. Has to be fun around the holidays. I'm the --  
 22 I'm the youngest of five so mom's always delighted  
 23 when we all get together.  
 24 So tell me -- you started working for NCA seven  
 25 years ago?

1 A. Right, 2017.  
 2 Q. What hours do you work in your job for NCA?  
 3 A. On average eight hours per day. That would be  
 4 Monday through Friday when I started, it would be 8 to  
 5 5, and 12 to -- 12 to 1, Monday through Friday, and 12  
 6 to 1 on Fridays. But now that I'm on e-OSCAR I am now  
 7 working from 7 a.m. to 3:30 p.m.  
 8 Q. Is there a lunch break built in there?  
 9 A. Yes, we get lunch break, but because we like to  
 10 leave a little bit earlier we just work through our  
 11 lunchtime and combine our breaks to take that lunch.  
 12 Half an hour to take our lunch.  
 13 Q. So you have a lunch break, but you choose to  
 14 work through lunch so you can leave work earlier?  
 15 A. Right.  
 16 Q. Do you know what the Fair Credit Reporting Act  
 17 is?  
 18 A. Yes, I have an idea.  
 19 Q. What is the Fair Credit Reporting Act?  
 20 A. It's the law that protects consumers.  
 21 Q. From what?  
 22 A. From -- protect them from -- I don't quite  
 23 remember, but I know it's something about that.  
 24 Q. Okay. Do you know what the Fair Debt  
 25 Collection Practices Act is?

1 A. I don't quite remember, but I know that is a  
 2 law that protects the consumer, consumer rights.  
 3 Q. Have you ever heard of the Deceptive Consumer  
 4 Protection Act?  
 5 A. Yes.  
 6 Q. And so you've heard of the deceptive acts and  
 7 practices as it pertains to the Commercial Regulations  
 8 Act?  
 9 A. Yes.  
 10 Q. Where did you hear about those things?  
 11 A. Here at NCA we actually do training on them.  
 12 Q. What sort of training did you have with the  
 13 Deceptive Consumer Protection Commercial Practices  
 14 Act?  
 15 A. So we do a yearly test and we go over, read  
 16 about the Fair Debt Credit Practice and then we get  
 17 tested on the -- on what we have read.  
 18 Q. What is it that you've learned in all those  
 19 trainings?  
 20 A. We basically just learn about the different  
 21 form of practices regarding to consumer rights. Yes.  
 22 Q. Can you tell me what the legal requirements are  
 23 in your job processing consumer disputes concerning  
 24 the Fair Debt Collection Practices Act?  
 25 A. I don't remember.

1 Q. Can you tell us what the legal requirements are  
 2 in your job, the job you've had for years in  
 3 processing ACDVs pertaining to the Fair Credit  
 4 Reporting Act?  
 5 A. Right, so if -- if -- based on my knowledge, if  
 6 we don't do the correct procedure regarding to the  
 7 accounts we -- it can be a lawsuit against the  
 8 company.  
 9 Q. Anything else?  
 10 A. No.  
 11 Q. And doing the correct procedures according to  
 12 NCA is matching the data that's in NCA's collection  
 13 software to the ACDV response, yes?  
 14 A. Right.  
 15 Q. Nothing else?  
 16 A. No.  
 17 MS. CLAYDON: For the record, Mr. Drake --  
 18 sorry -- Mr. Keller, when you are speaking about  
 19 the unfair and deceptive trade practices act are  
 20 you speaking about a specific one? A specific  
 21 state? A general one? Can you please clarify  
 22 when you are asking the questions?  
 23 MR. KELLER: When I pass the witness you  
 24 can clarify anything you'd like on cross, but I'd  
 25 appreciate if we don't have any speaking

1 objections. Thank you.  
 2 BY MR. KELLER:  
 3 Q. In your job when you submit an ACDV response  
 4 you have certain fields that are on your computer  
 5 screen, right?  
 6 A. Yes.  
 7 Q. The last thing you do in order to process a  
 8 dispute that comes in through e-OSCAR is to click the  
 9 submit button, right?  
 10 A. We have to know the account on WinDebt and then  
 11 we click the correct code, so the account would go in  
 12 the correct code.  
 13 Q. The last --  
 14 A. The last thing that we do on the account we  
 15 choose the code, then we submit the account.  
 16 Q. By clicking the submit button, right?  
 17 A. Right.  
 18 Q. Now, when you click submit, on your screen,  
 19 what you're doing is agreeing that you are processing  
 20 the dispute by complying with all legal requirements  
 21 and confirming that the information is accurate,  
 22 correct?  
 23 A. It's true and accurate.  
 24 Q. So you don't actually know where the  
 25 information that comes from NCA system is coming from,



1 correct?  
 2 A. No. No.  
 3 Q. No, you don't know?  
 4 A. No, I don't know.  
 5 Q. But NCA requires you to press that button and  
 6 make those certifications anyway, right?  
 7 A. The job description provide us to match that we  
 8 have the current information on the account and submit  
 9 it.  
 10 Q. And that's been the same as long as you've been  
 11 working for NCA, correct?  
 12 A. Yes.  
 13 Q. And that's the same for you as everybody else  
 14 who processes ACDVs for NCA, correct?  
 15 A. Yes.  
 16 Q. In fact, you yourself are one of the top  
 17 performers, right?  
 18 A. Yes.  
 19 Q. About how many -- yesterday your colleague told  
 20 us, Miss Brown told us that you would process 250  
 21 disputes per day or more.  
 22 Can you tell us how many disputes you process  
 23 through e-OSCAR?  
 24 A. The overall amount?  
 25 Q. Sure.

1 A. No, I can't give the overall amount.  
 2 Q. How many per day?  
 3 A. Now it's around 125, but first I used to do  
 4 200, but since they have system issues I'm not doing  
 5 that much.  
 6 Q. So you used to do 200 per day?  
 7 A. Right.  
 8 Q. And why did that change?  
 9 A. If there's overtime it could go up to 250. If  
 10 there's overtime.  
 11 Q. Why did it change from 200 per day?  
 12 A. Some of the time I have system issue, my system  
 13 is not working properly, or -- some of the time that's  
 14 it.  
 15 Q. So if you're having a system issue, you can  
 16 only do around 125, but if you don't have any system  
 17 issues, you can do 200 per day?  
 18 A. Yes.  
 19 Q. And you get paid more money the more ACDVs you  
 20 process, right?  
 21 A. No.  
 22 Q. Earlier you told me that you had a yearly bonus  
 23 that's available to you if you meet certain criteria,  
 24 right?  
 25 A. Yes.

1 Q. And the bonus for each person processing ACDVs  
 2 is not the same, right? You all have different  
 3 bonuses, correct?  
 4 A. I would assume so.  
 5 Q. And that's because you all process a different  
 6 number of ACDVs, right? You being one of the top  
 7 performers and Miss Brown, for example, not doing as  
 8 many ACDVs as you, correct?  
 9 A. Yes.  
 10 Q. So your yearly bonus is higher than most of the  
 11 other people processing ACDVs, correct?  
 12 A. Because -- because the evaluation that we do  
 13 yearly bonus, it doesn't -- it's not -- say the amount  
 14 of ACDVs that we do will -- I would say determine the  
 15 bonus that we get. It's the knowledge of the job and  
 16 of the e-OSCAR in general.  
 17 Q. Have you -- well, but one of the factors is  
 18 whether you meet your goal and how far you surpass  
 19 your goal, right?  
 20 A. No. Like I said it to you, the ACDVs that we  
 21 do, it doesn't determine -- it's not one of the main  
 22 factors that determine our yearly bonus.  
 23 Q. Please tell us all of the factors that  
 24 determine your yearly bonus.  
 25 MS. CLAYDON: Objection, asked and

1 answered.  
 2 Q. You can go ahead, ma'am.  
 3 A. You're speaking to me?  
 4 Q. Yes, please.  
 5 A. It's also include accuracy and knowledge of the  
 6 job.  
 7 Q. Accuracy, knowledge --  
 8 A. And knowledge of the job.  
 9 Q. Anything else?  
 10 A. No, sir.  
 11 Q. So it's your testimony that the yearly bonus  
 12 that you received as an ACDV processor for NCA is no  
 13 way based on the number of ACDVs that you process; is  
 14 that correct?  
 15 A. Like I said it to you, it's not the main  
 16 factor. It's not one of the main factors for the  
 17 bonus. Accuracy, knowledge of the job. You could say  
 18 ACDVs, but that's not the main focus of the main --  
 19 the determinate.  
 20 Q. So I was asking you about all of the factors  
 21 that determine your yearly bonus and you only told me  
 22 accuracy and knowledge of the job. Then when I asked  
 23 you about whether ACDVs, you said it's not one of the  
 24 main --  
 25 A. But I stated to you before that it's not the



1 main, it's not one of the main factors. ACDVs per day  
 2 is not one of the main factors of the job.  
 3 Q. Can you tell me all of --  
 4 A. So -- go ahead, please.  
 5 Q. Thank you. Miss Besley, would you tell us all  
 6 of the factors that are considered in determining your  
 7 yearly bonus as an ACDV --  
 8 MS. CLAYDON: Objection, asked and  
 9 answered.  
 10 Q. You can go ahead, ma'am.  
 11 A. Okay. So some of the factors of the yearly  
 12 bonus is knowledge of the job, accuracy, and ACDVs.  
 13 Q. Is there anything other than ACDVs, accuracy,  
 14 and knowledge of the job?  
 15 A. No, sir.  
 16 Q. Okay. So you have these three things:  
 17 accuracy, knowledge of the job, and ACDVs, right?  
 18 A. Right.  
 19 Q. For accuracy, accuracy is determined simply  
 20 based on whether the information that you submit in  
 21 response to the ACDVs matches the information that's  
 22 in NCA's system, correct?  
 23 A. Yes.  
 24 Q. So that factor, accuracy, it's not based on  
 25 whether the information in NCA's system is correct or

1 Q. And so the last factor is ACDVs, meaning the  
 2 number of credit disputes that you process through the  
 3 e-OSCAR system back to the credit bureaus, right?  
 4 A. Right.  
 5 Q. Okay. Earlier you told me that ACDVs were not  
 6 one of the main factors. So my question is, between  
 7 accuracy, knowledge of the job, and ACDVs, how much  
 8 weight is given to accuracy?  
 9 A. Accuracy is a hundred percent actually.  
 10 Q. Okay. So then knowledge of the job and ACDVs  
 11 don't matter at all in determining --  
 12 A. No, they do matter. All right, if you're  
 13 saying a percentage right then. You'd say knowledge  
 14 of the job would be -- sorry -- accuracy would be 70  
 15 percent then, and knowledge of the job another 20, and  
 16 then ACDV would probably be 10 to round it up. Just  
 17 saying.  
 18 Q. You're guessing, right?  
 19 A. Because it never break down like that, so I'm  
 20 just -- because you're asking that question I'm just  
 21 saying because they never break down like that.  
 22 Q. Sure, so you're saying NCA never breaks down  
 23 exactly how it bases your yearly bonus, right?  
 24 A. I'm just giving an example of what I stated.  
 25 I'm just giving an example.

1 not, it's just based on whether you matched that  
 2 information, right?  
 3 A. That's my job description, to match what is  
 4 there.  
 5 Q. Right. And that's what accuracy is for NCA?  
 6 A. For e-OSCAR.  
 7 Q. And knowledge of the job, can you tell me what  
 8 is considered in determining knowledge of the job?  
 9 A. Just knowing what you're doing and making sure  
 10 that you're putting it in the correct field, that you  
 11 don't make a mistake on it. It's actually knowing  
 12 what you're doing as well.  
 13 Q. So knowledge of the job for NCA's purposes is  
 14 ensuring that you know how you're supposed to process  
 15 the ACDVs according to NCA's policies and procedures,  
 16 correct?  
 17 A. Yes.  
 18 Q. And that includes matching data and using the  
 19 correct codes that NCA tells you to use, correct?  
 20 A. Yes.  
 21 Q. Nothing else concerning knowledge of the job,  
 22 right?  
 23 A. No.  
 24 Q. No, there's nothing else?  
 25 A. Nothing else.

1 Q. How much is your annual bonus?  
 2 A. It differentiates yearly. It's not a set  
 3 amount that's given.  
 4 Q. Right. How much was it last year?  
 5 A. Last year. About \$300.  
 6 Q. \$300 U.S. dollars?  
 7 A. Yes, approximately. I'm not quite sure.  
 8 Q. So you're paid \$5.25 per hour in 2023, right?  
 9 A. To now.  
 10 Q. Right. So -- and you work 40 hours per week?  
 11 A. Right.  
 12 Q. Do you work every single week, or do you take  
 13 two weeks off, something like that?  
 14 A. If you want a vacation you can apply for one.  
 15 The vacation is available, you can apply for it, but I  
 16 work straight through. I haven't taken any days off I  
 17 said.  
 18 Q. So you work 40 hours a week, 52 weeks a year,  
 19 right?  
 20 A. Not all the time. Sometimes sick times come  
 21 in. I'm not feeling well so I'm not at work.  
 22 Q. Would you say maybe you work at least 50 of the  
 23 52 weeks per year?  
 24 A. No, it would be less than that, because even if  
 25 I'm not taking the full two weeks, if I need one day,

1 I could take a one day off, vacation day off. So it  
2 would be less than 50.  
3 Q. Okay. So let's do this, you get paid \$5.25 per  
4 hour, 40 hours a week, that's \$210 in a week that you  
5 make, right?  
6 A. Right. I guess you're calculating it.  
7 Q. Your yearly bonus last year was \$300, more than  
8 you make --  
9 A. Approximately.  
10 Q. More than you make in an entire week, right?  
11 A. Yes.  
12 Q. And you're telling me that NCA does not tell  
13 you how it's calculating your annual bonus?  
14 A. No, I'm not saying they did not tell us how it  
15 is calculated, that's what I remembered. But if it's  
16 on the system we can always go back and check on it to  
17 get the current information.  
18 Q. Do you have a better knowledge of the job than  
19 Miss Brown, your colleague?  
20 A. No.  
21 Q. Her --  
22 A. Because basically we have thought the same  
23 thing, because you're on the same team so it's the  
24 same process for both of us to go through.  
25 Q. Right, so she has the same knowledge of job as

1 A. No. It's all factors combined.  
2 Q. It's all factors combined, but you don't know  
3 the breakdown, right?  
4 A. I don't have that on my head right now, but  
5 it's in the system. We can always go back and check  
6 on it.  
7 Q. Great. Can you go get that information and  
8 give it to your attorney to give to us?  
9 A. Sure.  
10 Q. Great. How about you just do that within the  
11 next week and we'll have it, cool?  
12 A. No problem.  
13 Q. Great. Who's -- who's your boss at NCA?  
14 A. Wayne Sinclair.  
15 Q. Wayne, can you spell Wayne Sinclair?  
16 A. W-a-y-n-e, S-i-n-c-l-a-i-r.  
17 Q. And do you have the same boss as Miss Brown?  
18 A. Yes.  
19 Q. Do you have any other bosses?  
20 A. Yes. We have our team leader, you call our  
21 supervisor, Sherene Waugh; and the team manager,  
22 that's the e-OSCAR team manager, would be Kelly Dote;  
23 and then we have our general manager for NCA over all.  
24 Q. Who's the general manager?  
25 A. I can't quite remember his name right now, but

1 you, and the accuracy between the two of you is the  
2 same. Both of you match data the same, right?  
3 A. Yes, that's the job description.  
4 Q. But the number of ACDVs, you process more than  
5 her, correct?  
6 A. Some of the time.  
7 Q. More often you process more ACDVs than her and  
8 you know that because each day you get a sheet telling  
9 you how many ACDVs you and the other people on your  
10 team process?  
11 A. Yes, we get a daily report.  
12 Q. Right. So you know that you consistently  
13 process more ACDVs than Miss Brown your colleague,  
14 right?  
15 A. Right.  
16 Q. So the only difference between the three  
17 factors that you just described to me -- accuracy,  
18 knowledge of job, and ACDVs -- the only difference  
19 between you and Miss Brown is ACDVs that are  
20 processed, right?  
21 A. Right.  
22 Q. Yet your bonus is significantly higher than  
23 hers. That's because your annual bonus is based  
24 largely on the number of ACDVs that you process,  
25 right?

1 we also have Mitch Faning [sic], that's one of the  
2 managers.  
3 Q. Wayne Sinclair, does he work with you in your  
4 office at NCA?  
5 A. Yes, he work in the office at NCA.  
6 Q. Sherene Waugh, she works with you in your  
7 office at NCA?  
8 A. NCA Jamaica.  
9 Q. How about Kelly Dote?  
10 A. No, she doesn't work in NCA Jamaica.  
11 Q. She works in Chicago, Illinois?  
12 A. No. She work in another NCA, but I'm not quite  
13 -- I don't quite remember.  
14 Q. Do you know what country --  
15 A. Hutchinson. I think it's Hutchinson. Kelly  
16 works at Hutchinson.  
17 Q. Can you spell that for us?  
18 A. H-u-t-c-h-i-n-s-o-n.  
19 Q. Hutchinson?  
20 A. Right.  
21 Q. Do you know, is that in the United States?  
22 A. Yes.  
23 Q. Do you know what state in the United States?  
24 A. No.  
25 Q. Your team manager, Kelly Dote, has she ever

1 been to the NCA office where you work?  
 2 A. No.  
 3 Q. How about your general manager?  
 4 A. Yes, he came one time since I'm working here.  
 5 Q. One time in seven years?  
 6 A. Yes.  
 7 Q. Did you speak to him?  
 8 A. No.  
 9 Q. Does NCA operate the same today as it did when  
 10 you first started working for NCA?  
 11 A. Yes, it's the same -- same thing they do from  
 12 then till now.  
 13 Q. And you still process disputes for NCA in the  
 14 same way that you did when you first started working  
 15 on the e-OSCAR team, correct?  
 16 A. Yes, from 2020, up till now, it's the same way.  
 17 Q. Let's do this. It is 1:58 p.m. Eastern. Let's  
 18 just go ahead and take a ten-minute break. Does that  
 19 work with you?  
 20 A. No problem.  
 21 (Recess taken.)  
 22 BY MR. KELLER:  
 23 Q. The time is 2:11 Eastern, all the same parties  
 24 are present, and we're here ready to continue the  
 25 stenographic/audio visual deposition of Miss Besley.

1 Miss Besley, are you ready to continue  
 2 testifying?  
 3 A. Yes, I am.  
 4 Q. Does NCA rank the employees at NCA?  
 5 A. No.  
 6 Q. Is anyone else in the room with you?  
 7 A. Yes.  
 8 Q. Who?  
 9 A. Kavia.  
 10 Q. Kavia Brown?  
 11 A. Right.  
 12 Q. Did you speak to anyone during the break?  
 13 A. I went to the restroom and get back.  
 14 Q. Did you speak to anyone during the break?  
 15 A. No, I did not.  
 16 Q. And where is Kavia in relation to you? Is she  
 17 behind your computer?  
 18 A. Yes.  
 19 Q. Okay. Not beside you?  
 20 A. No.  
 21 Q. So you sat through Miss Brown's testimony all  
 22 day yesterday, right?  
 23 A. Right.  
 24 Q. Can you tell us why?  
 25 A. Because the area that we were working, that our

1 station is at, we couldn't sit there because it would  
 2 be a bit noisy and this room is the only available  
 3 room we could sit to have this meeting.  
 4 Q. Your normal work station was too noisy to --  
 5 A. It would be because it's not -- it's not a  
 6 secluded place so a person would have to pass by so it  
 7 could be a bit noisy. A person passing by and this  
 8 meeting going on. So a person could be talking while  
 9 passing by and the meeting is going on, so we come to  
 10 a secluded place.  
 11 Q. So what you were you doing while Miss Brown was  
 12 testifying yesterday?  
 13 A. Continued to do my ACDV responsibility.  
 14 Q. You were working to meet your quota?  
 15 A. No, I don't -- I'm actually doing my job, the  
 16 ACDVs leads that we do per day.  
 17 Q. Right, you have a quota of ACDVs that you have  
 18 to process per day, right?  
 19 A. Yes.  
 20 Q. Did you meet your quota yesterday while you  
 21 were listening into the deposition?  
 22 A. No.  
 23 Q. Is that because you were trying to pay  
 24 attention to the deposition?  
 25 A. No.

1 Q. Why didn't you meet your quota?  
 2 A. Because the relocation process and getting  
 3 settled down here.  
 4 Q. Did you speak to Miss Brown at all yesterday  
 5 about the deposition?  
 6 A. Yes.  
 7 Q. What'd you all discuss?  
 8 A. It just -- it just -- just talking about the  
 9 length of time that she spent yesterday because it was  
 10 a three-hour and she stated it finished at 4. My  
 11 shift end at 3:30 so I leave before her.  
 12 Q. You were saying it took a long time?  
 13 A. Because initial time that we have it would be  
 14 three hours, that was sent.  
 15 Q. Anything else you two discussed other than the  
 16 amount of time?  
 17 A. No, not necessarily.  
 18 Q. You and Miss Brown yesterday did not discuss  
 19 anything other than how long the deposition was  
 20 taking; is that correct? Is that correct?  
 21 A. When the meeting finished yesterday I wasn't  
 22 here, so we did not speak about the meeting. Because  
 23 I wasn't here when you finished yesterday. During the  
 24 time we weren't talking. My shift end at 3:30, I left  
 25 her here, I went home.

1 Q. Did you two speak this morning?  
 2 A. Not about -- nothing -- not about it.  
 3 Q. Okay, what did you speak about?  
 4 A. Normal -- we just come here and then she said  
 5 just to relax and answer the question, nothing more.  
 6 Q. Okay. Just curious.  
 7 Do you -- what resources are available to you  
 8 in your job processing ACDVs for NCA?  
 9 A. The system that we use, WinWeb -- WinDebt,  
 10 sorry, and e-OSCAR, that's what we have to process the  
 11 account. Once the information comes in, we look at  
 12 it, and that's how we do our job.  
 13 Q. So you have a collection software called  
 14 WinDebt. Anything else?  
 15 A. The e-OSCAR system.  
 16 Q. e-OSCAR system.  
 17 A. Right.  
 18 Q. You're given some sort of a computer?  
 19 A. Yes, we have computers.  
 20 Q. Is it a laptop or a regular computer?  
 21 A. Regular desktop.  
 22 Q. Did you bring your regular desktop to this room  
 23 yesterday so that you could process ACDVs while Miss  
 24 Brown was testifying?  
 25 A. I carry the CPU with my information that is

1 stored on it to do my job.  
 2 Q. You carried the what?  
 3 A. The CPU. We don't move the computer because we  
 4 have computer in this room. We move the CPU so where  
 5 the information is stored on.  
 6 Q. What's in the CPU?  
 7 A. It's the brain of the computer where everything  
 8 is at.  
 9 Q. So you have your collection software, the  
 10 e-OSCAR system with your computer, and a mouse, right?  
 11 A. Right.  
 12 Q. Anything else?  
 13 A. The keyboard. The keyboard.  
 14 Q. Keyboard. Anything else?  
 15 A. The headset. A camera.  
 16 Q. You have a headset and a camera?  
 17 A. Right.  
 18 Q. What do you use the headset for?  
 19 A. If there's a meeting, we do a meeting, we use  
 20 the headset for our meetings.  
 21 Q. Okay. You don't use the headset in processing  
 22 ACDVs, right?  
 23 A. No. No.  
 24 Q. Do you have a phone?  
 25 A. No.

1 Q. Do you -- are you allowed to access the  
 2 internet outside of the e-OSCAR system and WinDebt?  
 3 A. Yes, we can access the internet, but we're not  
 4 allowed to go on it.  
 5 Q. So could access the internet, but NCA doesn't  
 6 allow you to use the internet in your job, right?  
 7 A. Right. Right.  
 8 Q. Sorry, I don't think I asked before -- I asked  
 9 you your phone number, right?  
 10 A. Yes.  
 11 Q. What's your address where you live?  
 12 A. 172 Jimmy Cliff Avenue, Providence at St.  
 13 James, Jamaica.  
 14 Q. Would you spell that for us.  
 15 A. That's 172, J-i-m-m-y, C-l-i-f-f,  
 16 P-r-o-v-i-d-e-n-c-e, Montego Bay, M-o-n-t-e-g-o,  
 17 B-a-y, J-a-m-a-i-c-a.  
 18 Q. Can you tell us the address where you work?  
 19 A. 11 Mangrove Way, Montego Bay, Free Zone.  
 20 Q. And I'm sorry, could you spell that for us?  
 21 A. 1 M-a-n-g-r-o-v-e, W-a-y, Free Zone, F-r-e-e,  
 22 Z-o-n-e, M-o-n-t-e-g-o, B-a-y.  
 23 Q. Is that 11 Mangrove Way, or 1 Mangrove Way?  
 24 A. 1.  
 25 Q. How far is where you live to your work?

1 A. It could take around 45 minutes to get here.  
 2 Q. How do you get there?  
 3 A. Regular taxi.  
 4 Q. You don't have a car, correct?  
 5 A. No.  
 6 Q. I'm sorry, no, that's not correct, or no, you  
 7 don't have a car?  
 8 A. No, I don't have a car.  
 9 Q. Did you do anything to prepare for your  
 10 deposition?  
 11 A. Yes, we did a deposition prep.  
 12 Q. What'd you do?  
 13 A. We discussed some of the basic information,  
 14 questions that would be asked.  
 15 Q. Who'd you discuss with?  
 16 A. Jacob Bach.  
 17 Q. Who's that?  
 18 A. With Kelly Dote and Sherene Waugh.  
 19 Q. That meeting, what was that -- was it done over  
 20 the phone or by Teams?  
 21 A. Yes, it was -- it was done Zoom as well.  
 22 Q. Just like this?  
 23 A. Right.  
 24 Q. How long was that meeting?  
 25 A. Half an hour.

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1 Q. Was Miss Brown in that meeting with you?

2 A. No, it was a one-on-one. She would do -- she

3 did hers and then mine afterwards.

4 Q. So each of you had separate meetings with Kelly

5 Dote, Sherene and Jacob Bach?

6 A. Right.

7 Q. Who is Mr. Bach?

8 A. One of NCS attorneys.

9 Q. Anybody else other than Jacob Bach, Kelly Dote,

10 Sherene?

11 A. No.

12 Q. And did you review any documents to prepare for

13 your deposition?

14 A. No, sir.

15 Q. So no documents, nothing on the computer, no

16 call recordings? Nothing?

17 A. No.

18 Q. Did you want to review any documents?

19 A. No. When we originally heard about this

20 deposition I just pulled up the account number to view

21 the account to see what was on it, but otherwise than

22 that, we didn't, and I didn't have to.

23 Q. Okay. So you did review the account notes?

24 A. Yes, I did go over it.

25 Q. Can you tell us the name of the consumer in

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1 this action?

2 A. I see Durham, something like that. Durham.

3 Q. And where do you see that?

4 A. It was sent also in the email and I also pull

5 it up on WinWeb, bring up the account on WinWeb.

6 Q. So you received an email from one of the

7 attorneys?

8 A. No, the email that was sent is regarding to the

9 meeting that was set up, that would set up. So it

10 would state the name and the reason for the meeting,

11 along with the account number.

12 Q. What's your understanding of why you're

13 testifying?

14 A. I heard that there was some lawsuit going

15 against NCA regarding this account.

16 Q. Anything else?

17 A. That I notate on the account, that's one of the

18 reasons why I'm now here.

19 Q. Sure, but nobody told you that you did anything

20 wrong, right?

21 A. Right, I was told I did not do anything wrong,

22 which I also saw that I did not do anything wrong on

23 the account.

24 Q. Who told you did not do anything wrong?

25 A. Miss Dote spoke to us and said that we didn't

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1 do anything wrong on the account, and also the

2 notation that I'm seeing on the account, I did not do

3 anything wrong on the account.

4 Q. So you didn't do anything wrong according to

5 what NCA requires you to do, correct?

6 A. Right. Right.

7 Q. So -- and you don't know what this lawsuit is

8 about?

9 A. Not actually, no.

10 Q. Nothing in your job has changed as a result of

11 this lawsuit, right?

12 A. No.

13 Q. When did you first learn that you were going to

14 be giving a deposition in this case?

15 A. The first email was sent was about -- I don't

16 actually remember the date when we get the first

17 email. I'd have to go back, but last week, sometime

18 last week we heard that we'd have this meeting.

19 Q. Okay. How often do you work overtime at NCA?

20 A. We were mostly working overtime during the

21 covid period because we were behind and we were doing

22 overtime to get caught up on the ACDVs, but since

23 lately we haven't worked any.

24 Q. How many people work on NCA's ACDV team?

25 A. We have 14 including our manager. 14? Yeah.

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1 Q. And when you first started working on the ACDV

2 team, did you have more people or less?

3 A. We did have less.

4 Q. Other than process ACDVs on e-OSCAR, do you

5 have any other jobs that you're supposed to do for

6 NCA?

7 A. No.

8 Q. So your job, all you do all day every day is

9 process ACDVs?

10 A. Correct.

11 Q. And you are one of the top performers at NCA,

12 correct?

13 A. On the e-OSCAR team.

14 Q. Sure. NCA has top performers as far as the

15 debt collectors separately, correct?

16 A. Yes, I would assume so, yes.

17 Q. But on the e-OSCAR team you're one of the top

18 performers?

19 A. According to the reports that are sent daily.

20 Q. So yes?

21 A. According to the reports that are sent daily.

22 Q. Well, do you have any reason to dispute that

23 you're one of the top performers?

24 A. Because some days it's not normally the same.

25 Because I could come in today and do that amount, and

1 the next day I'll do another -- a lesser amount.  
 2 Q. Right, but on average you're consistently one  
 3 of the top performers, right?  
 4 A. On average.  
 5 Q. Who are the other top performers?  
 6 A. We have Felicia Grant, Patricia Campbell,  
 7 Karena Hurd, Shirika Campbell.  
 8 Q. So Felicia Grant, Patricia --  
 9 A. Campbell.  
 10 Q. Campbell.  
 11 A. Um-hum.  
 12 Q. Shirika?  
 13 A. Campbell.  
 14 Q. Campbell.  
 15 A. Um-hum.  
 16 Q. Anybody else?  
 17 A. Karena Hurd.  
 18 Q. Karena.  
 19 A. And myself.  
 20 Q. You all are the top performers?  
 21 A. Right.  
 22 Q. What's the most ACDVs that you've processed in  
 23 a day?  
 24 A. Like I said it to you, we -- I normally do 200,  
 25 but recently have been doing less than 200. So it's

1 about 125, around that amount.  
 2 Q. And recently you've been doing less than 200  
 3 because of the system errors, right?  
 4 A. Yes.  
 5 Q. Do you know how much your annual bonus was in  
 6 2022?  
 7 A. No, sir, I don't remember that.  
 8 Q. Do you have discussions with your boss about  
 9 whether you're meeting your quota for ACDVs?  
 10 A. We have discussion when we do evaluations on --  
 11 about our knowledge of the job and everything that  
 12 comprise of the work, the job.  
 13 Q. Including the number of ACDVs that you process?  
 14 A. Include -- included the ACDVs as well.  
 15 Q. Are you proud of the number of ACDVs that you  
 16 process?  
 17 A. Yes.  
 18 Q. And you said that there is no ranking among the  
 19 employees; is that correct?  
 20 A. Right. We don't have a ranking necessarily.  
 21 Q. It's never been part of your job to find out  
 22 whether a consumer other owes a debt, correct?  
 23 A. No, because we just normally work with --  
 24 whatever comes in the system, that's what we work  
 25 with.

1 Q. You've never made a decision about whether a  
 2 person owes a debt, you just simply match data,  
 3 correct?  
 4 A. Correct, that's what I do. That's my job  
 5 description.  
 6 Q. So, in fact, NCA's system prepopulates the  
 7 response by matching such that you don't have to go  
 8 and search for the information, correct?  
 9 A. No, we don't have to search for any  
 10 information.  
 11 Q. NCA's system prepopulates a response, right?  
 12 A. Right.  
 13 Q. When you process an ACDV you always do it by  
 14 yourself? It's not you and other people, correct?  
 15 A. No.  
 16 Q. You do all of your ACDVs by yourself, correct?  
 17 A. Yes.  
 18 Q. Does anybody ever review or audit your work?  
 19 A. Yes.  
 20 Q. What's the auditing process for NCA?  
 21 A. I'm not sure of the process.  
 22 Q. Do you know who is responsible for doing the  
 23 audits?  
 24 A. I know the agent that is on the team.  
 25 Q. Who's that?

1 A. That's Donovan Whitaker and Samantha.  
 2 Samantha.  
 3 Q. You don't know Samantha's last name, do you?  
 4 A. What's her last name? Martin, sorry. Samantha  
 5 Martin. Samantha Martin and Donovan Whitaker.  
 6 Q. And they both work with you in Jamaica, yes?  
 7 A. Yes, they work in the Jamaica office.  
 8 Q. You've never been disciplined or needed to be  
 9 corrected based on any ACDV you've processed, correct?  
 10 A. Correct.  
 11 Q. In fact, you've only been promoted, correct?  
 12 A. Right.  
 13 Q. The area where you work, you're on the second  
 14 floor of an office building; is that right?  
 15 A. Right.  
 16 Q. And you're on one side of the room, and the  
 17 debt collectors are on the other side of the room,  
 18 right?  
 19 A. Right.  
 20 Q. When you're working and processing ACDVs, is it  
 21 quiet or loud?  
 22 A. Quiet.  
 23 Q. You told me that yesterday it was gonna be too  
 24 loud to do the deposition?  
 25 A. Person -- person can pass by while speaking and



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1 it would effect the meeting, but it's not the case  
 2 that they were always making noise. But if the  
 3 meeting is keeping they could pass by and say  
 4 something or have a conversation with someone.  
 5 Q. Did you ever work remotely for NCA?  
 6 A. Yes.  
 7 Q. When did you work remotely?  
 8 A. During the covid period.  
 9 Q. And you returned in 2021, or was it 2022?  
 10 A. I think it's 2022 we came in the office.  
 11 Q. Does it sound correct that you returned in June  
 12 of 2022?  
 13 A. June, July, somewhere there.  
 14 Q. And since then you've been working in person?  
 15 A. In the office, yes.  
 16 Q. So your job being somebody who processes the  
 17 credit disputes that come in from the credit bureaus  
 18 on e-OSCAR, you follow me so far?  
 19 A. Right.  
 20 Q. You've never done any investigation in your  
 21 job, right?  
 22 A. Never. If we do receive an image that comes in  
 23 on e-OSCAR, and there's some wording that we don't  
 24 understand, then we send it to our manager to do  
 25 regular checks or review on the account before we

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1 process it.  
 2 Q. And that rarely happens, correct?  
 3 A. Right.  
 4 Q. That didn't happen with respect to this account  
 5 that we're here about, correct?  
 6 A. I'm not sure about that.  
 7 Q. In fact, you don't know what you did in  
 8 processing the dispute -- the disputes that are  
 9 involved in this case, correct?  
 10 A. According to the notes that I made on the  
 11 account, back in 2023, I did what I was supposed to do  
 12 on the account.  
 13 Q. According to NCA's policies, what they require  
 14 you --  
 15 A. According to the job description.  
 16 Q. So the only basis you have for being able to  
 17 state what you did is reviewing NCA's collection  
 18 notes; is that correct?  
 19 A. Reviewing the account, that's the only thing  
 20 that we could see, yes.  
 21 Q. And without that you have no clue what you did?  
 22 A. No, because we wouldn't still have the account  
 23 here. Once we do what we do on the account, then we  
 24 move on to another account.  
 25 Q. Right, and given what you've done thousands and

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1 thousands of these; is that right?  
 2 A. Right.  
 3 Q. So given that you've done thousands and  
 4 thousands of ACDVs in your job, you don't remember any  
 5 particular dispute that's come in which you processed,  
 6 correct?  
 7 A. No.  
 8 Q. No, that's not correct, or no, you don't  
 9 remember?  
 10 A. No, that's not correct, because whatever comes  
 11 on the system each day that's what we go about, I'm  
 12 doing.  
 13 Q. Sure. And I'm sorry, I may have asked you a  
 14 poor question, I'll try again, okay?  
 15 A. Okay.  
 16 Q. You process so many disputes that you don't  
 17 remember any specific dispute or what you did with it,  
 18 correct?  
 19 A. Right. Because once the account comes in, I  
 20 would do what we supposed to do on the account, we  
 21 move on to another account. It's not something that's  
 22 stayed with us and that we keep remembering on that.  
 23 Once we're through with the accounts, we move on to  
 24 another account.  
 25 Q. And some of these disputes people are

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1 complaining about how they believe they don't owe  
 2 anything, right?  
 3 A. Right.  
 4 Q. And they're telling you how it's affecting them  
 5 at times, right?  
 6 A. Right.  
 7 Q. But you have so many disputes that you do that  
 8 you can't even remember any one of them, right?  
 9 A. Our job description that we do, we process the  
 10 account, we match the information that we have here,  
 11 and then once we put in the current disposition on the  
 12 account, then it will go in the back and they will  
 13 take it up from there.  
 14 Q. It's never been your job to report any  
 15 investigation results to the credit bureaus because  
 16 you've never done any investigation, right?  
 17 A. No.  
 18 Q. No, you've never done any investigation?  
 19 A. No, I never do any investigation.  
 20 Q. And so it's never been your job to report any  
 21 results of an investigation, correct?  
 22 A. Right. Once we're through with the account,  
 23 then it goes in the back and then it goes where it's  
 24 supposed to go.  
 25 Q. So you've never been able to determine whether



1 the information in NCA's system that you're matching  
2 to the ACDV; you follow me so far?  
3 A. No. Could you repeat the question?  
4 Q. The information that's in NCA's system --  
5 A. Um-hum.  
6 Q. -- you don't actually know where that data  
7 comes from, correct?  
8 A. Right, I don't know where it comes from.  
9 Q. And you don't even have a phone that you're  
10 able to use in your job at NCA, correct?  
11 A. Because the job doesn't have us use the phone  
12 because we don't make calls.  
13 Q. NCA doesn't allow you to make calls to find any  
14 information out, correct?  
15 A. Because the job description don't provide us  
16 with a phone. We don't need a phone to do our job.  
17 Q. The way that NCA wants you to, right?  
18 A. The job description that NCA has, yes.  
19 Q. So you've never been able to verify whether any  
20 information in the system that you're submitting back  
21 to the bureaus is correct, right?  
22 A. Whatever is on e-OSCAR, we match it to what's  
23 on WinWeb. If there's an ACDV that comes in we'll  
24 check that. Whether they're saying they're filing  
25 fraud or it's a dispute, then we dispatch that to the

1 A. Okay, so first we get the account on e-OSCAR.  
2 We look on -- we copy the SSN, that's the social of  
3 the account, and pull up the account on the WinDebt  
4 account. We verify what the status the account is in  
5 on WinWeb, and then we go ahead and verify both  
6 system, the information on e-OSCAR and WinWeb.  
7 Once we've done that we notate the account.  
8 Whatever the code is on the account, that's what we  
9 copied and note on the system. And then we'll get  
10 next. If there's an image that comes in, it could  
11 take a little bit more time. We have to download the  
12 image and view it and see what the consumer is stating  
13 on the image. Then we go ahead and do the same  
14 verification. And if it's a fraud account, then we'll  
15 move it to our fraud. And then if it's a dispute,  
16 IDS, we move it to IDSP and move on.  
17 If the account comes in with a 1 or 3 code we  
18 know that's a tem fraud account and we copy that and  
19 note the account as tem fraud and get next to another  
20 account.  
21 Q. When you say verify both systems on e-OSCAR and  
22 WinWeb, what you mean by verify is matching, correct?  
23 A. Right, matching the name, that we have the  
24 correct name, the correct Social, the address on the  
25 account, along with a telephone number. That's what

1 different areas that they should go in and move on to  
2 the other account.  
3 Q. Right. So you've never been able to verify  
4 whether information in the system that you're  
5 submitting to the bureaus is accurate, correct?  
6 A. Correct, because we're just going by what we  
7 seeing here on the screen.  
8 Q. If NCA required you to actually conduct an  
9 investigation like by picking up the phone, calling  
10 the consumer, by calling the alleged original creditor  
11 to do any sort of searches, if NCA allowed you to do  
12 that, would you do it in your job?  
13 A. If it's what the job entitles for us to do,  
14 then we'd have to do it.  
15 Q. But that's not what NCA requires of you,  
16 correct?  
17 A. No.  
18 Q. No, that's not correct, or no, that's not what  
19 they require?  
20 A. That's not what they required of us to do.  
21 Q. Can you -- can you walk us through the process  
22 of you got your computer screen up and you go to the  
23 queue, from the time that you pull something from the  
24 queue until the time that you process a dispute, could  
25 you walk us through what that looks like, please?

1 we match on the account.  
2 Q. You're not able to submit an ACDV response when  
3 there's an image until after you've clicked to  
4 download the image, correct?  
5 A. Right, we have to download the account, the  
6 image, before we can move on on e-OSCAR.  
7 Q. Right, the system literally would not allow you  
8 to hit --  
9 A. Right.  
10 Q. -- submit until it's at least downloaded,  
11 correct?  
12 A. We can't continue on the account until we  
13 download the image.  
14 Q. And when you say then you do the same  
15 verification, you mean data matching?  
16 A. Matching. Data match.  
17 Q. So then you said if it's fraud you move it to  
18 fraud?  
19 A. Right.  
20 Q. But the only time that NCA allows you to  
21 determine that an account is fraud is only if you  
22 receive a police report or an identity theft  
23 affidavit; is that correct?  
24 A. Right, that's when we move it to I fraud.  
25 Q. So the only circumstances in which NCA would

1 allow you to stop credit reporting an account, would  
2 be if the collection software WinDebt tells you that  
3 you can delete an account, or if you receive an  
4 identity theft affidavit or police report, correct?  
5 A. Right. Because we look on the system and see  
6 that it's saying delete, and then we know that this  
7 account should be deleted.  
8 Q. You have never had a discussion with your boss  
9 about any negative performance, correct?  
10 A. Right, I never have that discussion.  
11 Q. In your job at NCA you never listen to call  
12 recordings, correct?  
13 A. No, I never listened -- yes, I listened when I  
14 was account manager, we'd have to go over a call,  
15 like, to let us better prepare and to go on another  
16 call to do our call.  
17 Q. In your job as an e-OSCAR representative for  
18 NCA, one of the people that processes the credit  
19 disputes that comes in through the bureaus, you've --  
20 you've never listened to call recordings, correct?  
21 A. I never listened to recordings.  
22 Q. NCA wouldn't allow you to listen to call  
23 recordings in your job, correct?  
24 A. Because that's not one of the description for  
25 e-OSCAR rep.

1 Q. That would also take you longer to do your job,  
2 correct?  
3 A. That's not part of the job description for  
4 e-OSCAR so we don't listen calls.  
5 Q. Your training that you've had for NCA has all  
6 been about which codes to use and how to use and  
7 navigate NCA's system, correct?  
8 A. Right.  
9 Q. Your training has not been about the legal  
10 requirements of the Fair Credit Reporting Act,  
11 correct?  
12 A. No, we do training on fair credit and reporting  
13 as well.  
14 Q. But you can't tell me any single legal  
15 requirement of any of those laws, correct?  
16 A. I don't quite remember all of them in my head  
17 right now, but I know that fair trading is what  
18 protects the consumer rights.  
19 Q. Do you believe that what you do protects the  
20 consumer?  
21 A. Yes.  
22 Q. Can you tell me any single legal requirement?  
23 A. Single requirement of what?  
24 Q. Any single legal requirement that's involved in  
25 your job.

1 A. Just to make sure that the information that  
2 we're seeing on the screen is the correct information  
3 that we are submitting.  
4 Q. Do you know what law that complies with?  
5 A. I think it's deceptive. I'm not sure.  
6 Q. So the only single legal requirement that you  
7 -- that you think you know is that you're required to  
8 make sure data matches, right?  
9 A. Right.  
10 Q. The way that you do your job, that's all been  
11 the same since you first started working at an e-OSCAR  
12 representative for NCA, correct?  
13 A. Right, it's the same way from 2020, up to now.  
14 Q. Can you tell us -- Mr. Durham, you know that he  
15 was disputing the collection account because he was a  
16 victim of identity theft; is that right?  
17 A. According to the note that we have on the  
18 account, we go over the notes that is on the account,  
19 right, and I worked according to what I saw on the  
20 account and what comes in the system.  
21 Q. So your job in processing ACDVs is you review  
22 collection notes to figure out all of the  
23 circumstances that are available, but then in  
24 processing the dispute you're required to match the  
25 data that's already in NCS's system; is that correct?

1 A. We match the data in the system. We also look  
2 on the image that comes in on the system if there's an  
3 image on account. Also we check the FCRA to see what  
4 it's stating. And the account, when I went on the  
5 account it was already in a tem fraud status on the  
6 account, so I did not do anything much on the account  
7 other than verify the normal that I should do on the  
8 account.  
9 Q. So when you process a dispute you will look, or  
10 you sometimes look at the collection notes to see what  
11 the consumer has said, right?  
12 A. Yes, because -- yes, we do look on it, but  
13 that's necessary.  
14 Q. But that does not change the information that  
15 you communicate on e-OSCAR? The information that you  
16 communicate on e-OSCAR is still matching the data  
17 that's in NCA's system, correct?  
18 A. Okay, if the consumer calls in and account  
19 manager that would receive the call and he would state  
20 what's ever the customer stated on the account, then  
21 that would be noted on the account. But my job  
22 description is to go by what comes in on e-OSCAR and  
23 we match that on WinWeb and we submit it to the  
24 correct department it should go to.  
25 Q. Your job is to --

1 A. To verify that we have the correct person and  
2 the name and the Social is correct on the account.  
3 Q. Sure, but you never verified that you had the  
4 correct person for this --  
5 A. According to the system --  
6 Q. If I may --  
7 A. -- we have to verify.  
8 Q. So you never verified that you had the correct  
9 person for this debt, you simply verified that the  
10 information in the system matched the information you  
11 were responding to?  
12 A. Right, that's how we verify.  
13 Q. Okay. Okay. So verify to you is just  
14 matching, right?  
15 A. Matching what I see on the system.  
16 Q. So you're aware now from looking at the  
17 collection notes that Mr. Durham told NCA that he was  
18 the victim of identity theft, right?  
19 A. Yes, according to the information that is here.  
20 Q. What are you looking at right now?  
21 A. The WinWeb, the account actually.  
22 Q. So you have your computer screen open to the  
23 right of you now?  
24 A. Correct.  
25 Q. Okay. What's on your computer screen right

1 or FTC so it could go in the I fraud status.  
2 Q. Miss Brown, you yourself never attempted to --  
3 A. Besley.  
4 Q. Besley?  
5 A. Yes.  
6 Q. Miss Besley, you yourself never attempted to  
7 try to find who opened up the account that's in Mr.  
8 Durham's name, correct?  
9 A. No, sir, I never attempted to do so because  
10 that's not my job.  
11 Q. And you never even attempted to determine  
12 whether Mr. Durham himself was involved at all in  
13 opening this account, right?  
14 A. No.  
15 Q. No, that's not right, or no, you never  
16 attempted to do so?  
17 A. Never attempted to do so because that's not in  
18 my job description.  
19 Q. What's your understanding of what you  
20 accomplish in your job?  
21 A. To make sure that we have the correct  
22 information on the system that once it is submitted  
23 it's the right person that is being reported on.  
24 Q. Excuse me. If at any point you want a break,  
25 just let me know.

1 now?  
2 A. Just the screen that we are on and my WinDebt  
3 account, the WinDebt account.  
4 Q. Anything else?  
5 A. No.  
6 Q. Have you been messaging with anybody else?  
7 A. No, because we don't have that -- we can't use  
8 that system while we're on this so that's not up.  
9 Q. So you know that Mr. Durham indicated that the  
10 account was fraudulently opened and that he himself  
11 did not open up the account, right?  
12 A. According to the notes that I'm seeing here.  
13 Q. Yes?  
14 A. Yes, according to the notes that I'm seeing  
15 here.  
16 Q. Those notes were available to you at the time  
17 that you processed his dispute, correct?  
18 A. Yes, it was always there.  
19 Q. But you did not do anything to determine who  
20 actually opened up the account because that's not your  
21 job, right?  
22 A. That's not my job description and according to  
23 the account, and the note that is on the account, the  
24 account was already until a tem fraud status, right?  
25 So the client would have to send in the police report

1 A. Okay.  
2 Q. Do you believe that your job in processing  
3 consumer disputes, do you believe your job is  
4 important?  
5 A. Yes, it is important.  
6 Q. Why?  
7 A. Because you can advise persons for them to be  
8 paying on the account at NCA, they could clear up the  
9 outstanding accounts that they have and will try to  
10 get their credit better.  
11 Q. Okay, so you believe your job is important so  
12 that people can pay money?  
13 A. To better themselves.  
14 Q. Sure. Let's say that someone didn't actually  
15 open an account and they didn't actually owe any  
16 money, but NCA was saying that they believe they owed  
17 money because their name was used?  
18 A. Okay, that's when the processor comes in and  
19 they will check on that, and if the consumer stating  
20 that they're disputing or they didn't open it, it was  
21 opened illegally, then we would have to make a note on  
22 the account and then stop all collection activity on  
23 that account.  
24 Q. But you only stop collection activity -- NCA  
25 only stops collection activity if it receives an

1 identity theft affidavit or a police report, correct?  
 2 A. Right.  
 3 Q. So in a situation like Mr. Durham's --  
 4 A. And if it's -- if it's a lawyer, there's a  
 5 lawyer involved, they are filing bankruptcy, then we  
 6 stop collection activity. They have a POA, then they  
 7 won't speak to the consumer, they speak to the --  
 8 those persons.  
 9 Q. After getting lawyers involved and being here  
 10 for this deposition, going back and looking at your  
 11 collection notes, knowing what you know now, if you  
 12 could go back, would you still do -- would you still  
 13 process this dispute for Mr. Durham the same as you  
 14 did previously?  
 15 A. There's nothing different I would do because  
 16 it's the same job description that I'll be doing then  
 17 I will be doing now. So there's nothing different I  
 18 will do.  
 19 Q. You treated Mr. Durham the same as you would  
 20 have treated any other person in the world?  
 21 A. I treated the account as any other account that  
 22 I received on the system.  
 23 Q. You do your job the way your employer wants you  
 24 to, right?  
 25 A. I do the job based on the job description that

1 I was told, and trained in.  
 2 Q. Let's go ahead and take a five- or ten-minute  
 3 break.  
 4 MS. CLAYDON: I want to check what time  
 5 you needed to leave today, just to be sure.  
 6 THE WITNESS: My shifts end at 3:30.  
 7 MS. CLAYDON: Okay, so it is now --  
 8 THE WITNESS: It is now 2:01.  
 9 MS. CLAYDON: Okay. Is that sufficient  
 10 time for you?  
 11 MR. KELLER: I don't know, but let's just  
 12 make it a five-minute break so we can try.  
 13 (Recess taken.)  
 14 BY MR. KELLER:  
 15 Q. The time is 3:08 p.m. All the same parties are  
 16 present. We're here for the continued audio  
 17 visual/stenographic deposition of Jenice Besley.  
 18 Ma'am, are you ready to continue testifying?  
 19 A. Yes, I am.  
 20 Q. All right. I'm gonna share my screen here.  
 21 Can you see my screen?  
 22 A. Yes, I am.  
 23 Q. These are the collection notes, also known as  
 24 account notes, correct?  
 25 A. Right.

1 Q. And we're looking at what's been marked as NCA  
 2 5 to NCA 8. Those are the collection notes for  
 3 Demetre Durham, correct?  
 4 A. Yeah.  
 5 Q. All right. And these notes, these are all  
 6 available to you at the time that you're processing  
 7 ACDVs, correct?  
 8 A. Yes.  
 9 Q. And you don't know whether any of the  
 10 information in here is true, just that it comes from  
 11 NCA's system, correct?  
 12 A. Correct.  
 13 Q. What are the dates of the disputes that you  
 14 processed?  
 15 A. I processed on this account the 20th of  
 16 February, 2023, and also the 23rd of February, 2023.  
 17 Q. Okay. February 20th and February 23rd. So the  
 18 first dispute that you did was processed February  
 19 20th, 2023 at 12:10 p.m., right?  
 20 A. No, that's 2:10. 2:10 p.m.  
 21 Q. No, it's 12:10 p.m., right?  
 22 A. 2/20/23, 0210 p.m.  
 23 Q. You don't see a 12 here?  
 24 A. That's what's showing there so it could be a  
 25 time zone. But that's what's on the system, in your

1 system.  
 2 Q. Okay. So the very first dispute that you  
 3 processed, you were able to see that the code that  
 4 came in from the CRA is claims true identity fraud,  
 5 account fraudulently opened, correct?  
 6 A. Correct.  
 7 Q. And you had no information available to you  
 8 that indicated he was not the victim of identity  
 9 fraud, correct?  
 10 A. Because there wasn't a FTC that comes in at  
 11 that time.  
 12 Q. Right, so the answer is correct, you did not  
 13 have any information to dispute that Mr. Durham was  
 14 the victim of fraud concerning this account, correct?  
 15 A. No, we did not have any information regarding  
 16 to that. Only the FCRA that is there. And at that  
 17 time the FCRA is there, then the account would go into  
 18 tem fraud.  
 19 Q. And Mr. Durham indicated as it showed in the  
 20 ACDV that came in on your system that he filed a fraud  
 21 report with the police report, correct?  
 22 A. According to the notes there.  
 23 Q. But you wouldn't stop reporting that because  
 24 you didn't have a police report, correct?  
 25 A. Once the information comes in, that's what I

1 have to note on the account.  
 2 Q. I would appreciate because you want to get out  
 3 of here soon enough I gotta get answers to my  
 4 questions, and you're telling me other things. So if  
 5 you could try to answer the question that I'm asking  
 6 and we'll be able to get out of here quicker, okay?  
 7 A. I go by what comes on the system and that's  
 8 what I do. At that time we didn't get a police  
 9 report.  
 10 Q. That's not -- that's not what I'm asking you at  
 11 all. I'm asking you a certain question.  
 12 A. What's your question?  
 13 Q. So when you received the ACDV concerning the  
 14 account telling you that Mr. Durham was disputing, you  
 15 knew that he was claiming identity fraud, correct?  
 16 A. According to the information that is on the  
 17 system.  
 18 Q. So the answer is yes, right?  
 19 A. Yes.  
 20 Q. Okay, thank you. You also knew that he stated  
 21 he had filed a fraud report with the police  
 22 department, yes?  
 23 A. According to information that is on the system,  
 24 that's what he stated, but he was also told to send in  
 25 the police report.

1 A. On the system where the FCRA stated that it's  
 2 possible -- it's possibility that he filed fraud on  
 3 the e-OSCAR system in the 103 code, that's a tem fraud  
 4 status that he had filed a police report.  
 5 Q. No, but I'm -- that's not what I'm asking you.  
 6 The FCRA relevant information box which is the  
 7 information where a -- the credit bureau is submitting  
 8 in the ACDV to you and they can type that information  
 9 out, in that box, it indicated that Mr. Durham was  
 10 claiming he filed a fraud report with the police  
 11 department, right?  
 12 A. Right.  
 13 Q. Okay. So but the reason you didn't stop  
 14 reporting that is because NCA requires you to actually  
 15 have a police report, correct?  
 16 A. There's no other way we could process the  
 17 account. That's the only way that it's supposed to  
 18 process, so yes.  
 19 Q. Well, that's the way it's supposed to process  
 20 according to NCA, correct?  
 21 A. According to the NCA policy.  
 22 Q. If NCA had a policy that if somebody said they  
 23 were the victim of identity theft and they had nothing  
 24 to contradict that, you'd follow the policy that NCA  
 25 requires, correct?

1 Q. If you're -- here's the problem, if you're  
 2 gonna go on and state other stuff, I'm gonna have to  
 3 ask you questions based on those things, and I just  
 4 learned from you all recently that you want to try to  
 5 get out of here by 3:30. So I'm gonna ask you some  
 6 yes-or-no questions. I know the answer to most of  
 7 these already, but if you're go off and continue to  
 8 tell me other things it's gonna make this thing  
 9 longer. So I'm just telling you I'm gonna ask you  
 10 yes-or-no questions at this point. Okay?  
 11 A. Okay.  
 12 Q. So you knew at the time you were processing Mr.  
 13 Durham's dispute, the first dispute you were handling  
 14 on February 20th of 2023, that he claimed he was the  
 15 victim of identity fraud, yes?  
 16 A. Yes.  
 17 Q. And that also included that the account was  
 18 fraudulently opened, right?  
 19 A. Yes.  
 20 Q. You knew that Mr. Durham's position was that he  
 21 had already filed a report with the police department,  
 22 correct?  
 23 A. No, I don't know.  
 24 Q. Well, you know that that was the ACDV that came  
 25 from the credit bureaus, correct?

1 A. Once we finish -- once --  
 2 Q. Ma'am, could I ask you a question?  
 3 A. Sure.  
 4 Q. If NCA's policy were that if somebody claimed  
 5 they were the victim of identity theft or fraud and  
 6 you had nothing to dispute that, that you were  
 7 required to delete the account from credit reporting,  
 8 then you would follow that policy if it existed,  
 9 right?  
 10 A. Repeat your question, please.  
 11 Q. If NCA had a policy that if a consumer stated  
 12 they were the victim of identity theft or fraud  
 13 concerning an account, in that scenario NCA would  
 14 require you to delete the account, you would follow  
 15 NCA's policy and delete the account, correct?  
 16 A. Yes, if it's stated to delete, yes, I'll delete  
 17 it.  
 18 Q. But in this case, the only way NCA would allow  
 19 you to cease reporting is if you had an FTC identity  
 20 theft affidavit or a police report that was provided,  
 21 correct?  
 22 A. Yes.  
 23 Q. You also knew at the time you processed the  
 24 very first dispute that you processed on February  
 25 20th, 2023, that Mr. Durham had called multiple times



1 previously and indicated that he did not open up the  
 2 account that's the subject of the debt, correct?  
 3 A. According to the last information that I'm  
 4 seeing noted on the account. KAJ.  
 5 Q. After February -- yeah, your initials are KAJ?  
 6 A. No. JAB, that's my initial.  
 7 Q. Yes, excuse me. Your initials are JAB, yes?  
 8 A. Right.  
 9 Q. What was the next dispute that you processed  
 10 after February 23rd, 2023?  
 11 A. The next dispute as in another account?  
 12 Q. Yeah, did you process any other disputes other  
 13 than the February 23rd, 2023 dispute for Mr. Durham?  
 14 A. I'm showing on the note that went on the  
 15 account again on the 23rd.  
 16 Q. You processed two disputes on February 23rd,  
 17 correct?  
 18 A. No, it's only one dispute, one time I went on  
 19 the account on the 23rd.  
 20 Q. Okay. I thought you just -- that's what I --  
 21 that's what I'm seeing, but I thought you told me  
 22 something else.  
 23 All right, so we have 12:10 p.m., claims true  
 24 identity fraud, and it also has FCRA relevant  
 25 information indicating that Mr. Durham says he filed a

1 bureaus. Do you understand?  
 2 A. Yes.  
 3 Q. The credit reporting to the bureaus remained  
 4 the same, correct?  
 5 A. Yes.  
 6 Q. So Mr. Durham disputed, and you received the  
 7 dispute about his credit information, but when you hit  
 8 submit to submit your ACDV, you on behalf of NCA  
 9 communicated that the information was true and  
 10 accurate, correct?  
 11 A. The data system that we get issued an accurate,  
 12 that's what I did on the account, my job description  
 13 was to verify that the information I received in  
 14 e-OSCAR is the correct regarding to the data on  
 15 WinWeb -- WinWeb.  
 16 Q. And for your purposes verify simply means  
 17 matching?  
 18 A. Matching.  
 19 Q. Not to confirm whether the information is  
 20 itself true, correct?  
 21 A. It's just a match to find out that we have the  
 22 current information on the system --  
 23 Q. Well, not --  
 24 A. -- to be reported on -- the current data  
 25 information on the system.

1 fraud report with the police department, right?  
 2 A. Correct.  
 3 Q. But in that case you continued the credit  
 4 reporting by matching data, correct?  
 5 A. Once we note the account that -- because 103  
 6 code is a tem fraud status, there's a possible fraud  
 7 on the account, then that would stop until the  
 8 information that comes in to state that it's -- they  
 9 are actually filing fraud.  
 10 Q. Yeah, but the credit reporting continues,  
 11 correct?  
 12 A. No credit reporting was done on the account.  
 13 It was marked on the 15th of March -- of February.  
 14 Q. So you're telling me that on --  
 15 A. It was -- it was marked, but I also -- it was  
 16 marked on the 20th that it would be credit reporting  
 17 on the 20th. Right? And also when I went on the  
 18 account and it is in the tem fraud status, then it  
 19 would go in the back end and they will take it up from  
 20 there.  
 21 Q. The credit reporting still continued when you  
 22 processed the dispute, correct?  
 23 I'm not talking about what you did in NCS's  
 24 internal collection notes, I'm talking about the  
 25 communication that you submitted back to the credit

1 Q. Right, here's what I want to clarify. You had  
 2 -- you had no way of determining whether the  
 3 information itself was correct in your system, but  
 4 regardless of whether that information is correct,  
 5 your job was to match the information in NCA's  
 6 collection software to the response to the ACDV, yes?  
 7 A. Yes.  
 8 Q. Sorry, I lost a screen here, I'm trying to  
 9 share it.  
 10 Can you see my screen?  
 11 A. Yes.  
 12 Q. We're looking at what's been marked as NCA 10.  
 13 Do you see that?  
 14 A. Yes.  
 15 Q. This is one of Mr. Durham's disputes which  
 16 would have come into the system through images,  
 17 correct?  
 18 A. Right.  
 19 Q. And this is something that you would have been  
 20 required to at least download, correct?  
 21 A. Yes.  
 22 Q. Mr. Durham tells you that he's disputing the  
 23 reporting by NCA because he has no knowledge of the  
 24 debt and that he did not authorize cashcentral.com or  
 25 NCA to loan money under his name or Social Security

1 Number, correct?  
 2 A. Correct.  
 3 Q. An that's information that you received through  
 4 the e-OSCAR system from the credit bureaus, correct?  
 5 A. Yes, that comes through e-OSCAR.  
 6 Q. All right. Let me try to streamline this here  
 7 so that we can get you out. I don't think I'm gonna  
 8 make 3:30, but I'm gonna do my best to get as close as  
 9 I can, okay?  
 10 A. Okay.  
 11 Q. So to recap here -- do you still have anything  
 12 on your screen?  
 13 A. Just the account. Mr. Durham account.  
 14 Q. Your name is Jenice Besley?  
 15 A. Yes.  
 16 Q. You work for National Credit Adjusters, also  
 17 known as NCA, correct?  
 18 A. Yes.  
 19 Q. NCA is a debt collector, right?  
 20 A. Yes.  
 21 Q. And you live at -- you live in Montego Bay,  
 22 Jamaica, correct?  
 23 A. Yes.  
 24 Q. You also work in Jamaica, correct?  
 25 A. Yes.

1 Q. So you work in an office that NCA has in  
 2 Jamaica, takes you about 45 minutes to get to work,  
 3 right?  
 4 A. Yes.  
 5 Q. Your highest level of education is junior high  
 6 school?  
 7 A. Yes.  
 8 Q. Your -- you have achieved certificates in  
 9 things like food and beverage management and  
 10 housekeeper management, correct?  
 11 A. Yes.  
 12 Q. Also front desk management and nothing else?  
 13 A. No, nothing else.  
 14 Q. You've worked for NCA for seven years?  
 15 A. Yes.  
 16 Q. Growing up you wanted to be a first grade  
 17 teacher, yes?  
 18 A. Yes.  
 19 Q. You -- your title at NCA is e-OSCAR  
 20 representative, correct?  
 21 A. Yes.  
 22 Q. And as an e-OSCAR representative you're  
 23 required to take credit disputes of Americans and  
 24 process those disputes, right?  
 25 A. To match the information there in processing.

1 Q. But you -- you started off with NCA getting  
 2 paid \$3.25 per hour, correct?  
 3 A. Yes.  
 4 Q. That was in July -- July 10th of 2017?  
 5 A. 2017, yes.  
 6 Q. And at that time you were what NCA calls an  
 7 account manager, which is another way of saying a debt  
 8 collector, correct?  
 9 A. Yes.  
 10 Q. You worked for a debt collector for a year and  
 11 a half, as a debt collector for a year and a half,  
 12 right? Is that right?  
 13 A. Yes.  
 14 Q. And at that time you had a target that you were  
 15 required to meet for how much money you were to  
 16 collect or how many calls you were to make?  
 17 A. A goal, that would be money to collect.  
 18 Q. Per the company, yes?  
 19 A. Per month.  
 20 Q. And after your job as a debt collector, you  
 21 worked as a dialer tech, that's you sending calls to  
 22 other debt collectors, right?  
 23 A. Yes.  
 24 Q. You did that for a year and a half and you were  
 25 paid 3.50 an hour?

1 A. Yes.  
 2 Q. You were -- then -- then you got a job as an  
 3 e-OSCAR representative which is your current job,  
 4 right?  
 5 A. Right.  
 6 Q. You started in June of 2020, correct?  
 7 A. Yes.  
 8 Q. Your job started off at \$4.04 per hour?  
 9 A. Yes.  
 10 Q. And it's increased over the last four years or  
 11 so to 5.25 per hour, correct?  
 12 A. Yes.  
 13 Q. You have -- when you first started you had a  
 14 target number of ACDVs of 10 to 15 per hour that you  
 15 were required to process, right?  
 16 A. Yes.  
 17 Q. That means every hour when you first started  
 18 you were required to process the credit disputes that  
 19 were coming in from consumers claiming they didn't owe  
 20 money or that something was wrong, you had to do at  
 21 least 10 of those each hour, yes?  
 22 A. Yes.  
 23 Q. And now as time's passed, you have to do at  
 24 least 20 per hour, correct?  
 25 A. Yes.



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<p>1 Q. And that's the same as everybody else at NCA</p> <p>2 who does your job, right?</p> <p>3 A. On e-OSCAR, yes.</p> <p>4 Q. And there's -- there are also other people that</p> <p>5 do this job that work on the same floor as you, right?</p> <p>6 A. No. We only have one e-OSCAR department that</p> <p>7 does this job.</p> <p>8 Q. Right, but it's not just one employee?</p> <p>9 A. No.</p> <p>10 Q. Right. So the hours that you work are 7 a.m.</p> <p>11 to 3:30 --</p> <p>12 A. Right.</p> <p>13 Q. -- because you skip lunch so you can leave</p> <p>14 early, right?</p> <p>15 A. Yes.</p> <p>16 Q. You've had -- you can't tell me any single</p> <p>17 legal requirement concerning the Fair Debt Collection</p> <p>18 Practices Act or the Fair Credit Reporting Act,</p> <p>19 correct?</p> <p>20 A. I don't remember them.</p> <p>21 Q. But in processing ACDVs you're required in</p> <p>22 order to submit an ACDV to certify that you have</p> <p>23 complied with all legal requirements, correct?</p> <p>24 A. All the legal requirements, all the information</p> <p>25 that's on the system, that's all we submit.</p>	<p>1 on the account, and once I submit that, put in the</p> <p>2 current code, then it will go to the different</p> <p>3 department and they'll take it up from there.</p> <p>4 Q. It's never been your job to find out whether a</p> <p>5 person owes a debt, correct?</p> <p>6 A. Correct.</p> <p>7 Q. It's never been your job to make a decision</p> <p>8 about whether a person owes a debt or opened an</p> <p>9 account, correct?</p> <p>10 A. Correct.</p> <p>11 Q. So you've never had to search for any</p> <p>12 information to determine whether information is true</p> <p>13 or not because your job has always been simply to</p> <p>14 match any information that's in NCA's system, correct?</p> <p>15 A. Right, I don't have to search for anything. I</p> <p>16 just go by what's on the system.</p> <p>17 Q. Even though you don't know whether the</p> <p>18 information in the system is accurate, correct?</p> <p>19 A. If the Social is different from what we have on</p> <p>20 WinWeb we'll put different. We don't know anything</p> <p>21 else about the account.</p> <p>22 Q. Right, you don't know whether the information</p> <p>23 that's in NCA's system is accurate and you don't do</p> <p>24 anything to determine whether the information is</p> <p>25 actually true, correct?</p>
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<p>1 Q. The field that you have to -- when you hit the</p> <p>2 submit button to process a credit dispute, send</p> <p>3 information back to the credit bureaus, one of the</p> <p>4 fields is that you're certifying that the information</p> <p>5 is true and that you have complied with all applicable</p> <p>6 laws, right?</p> <p>7 A. Right, that information that I have on WinWeb</p> <p>8 is the current information that I have on the e-OSCAR</p> <p>9 system.</p> <p>10 Q. NCA requires you to submit that certification,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And that's even though you don't know what the</p> <p>14 legal requirements are, correct?</p> <p>15 A. As my job description is stated what is on the</p> <p>16 system, that's what I go ahead and verify it, and the</p> <p>17 different codes, that's the correct code that I choose</p> <p>18 to put the account in, and then it will go to the back</p> <p>19 end and then it will go from there.</p> <p>20 Q. So NCA tells you that that's what you're</p> <p>21 supposed to do, but you yourself do not know what's</p> <p>22 required by law, right?</p> <p>23 A. Yes, I know that there's law governing it, but</p> <p>24 what my job description does is to process the account</p> <p>25 to make sure that I have the current name and Social</p>	<p>1 A. Correct.</p> <p>2 Q. You did receive documents when you processed</p> <p>3 Mr. Durham's dispute including indicating that he had</p> <p>4 no knowledge of the debt and that he didn't authorize</p> <p>5 cashcentral.com or NCA to loan money or give his</p> <p>6 Social Security Number, correct?</p> <p>7 A. Okay, that's the information that comes in.</p> <p>8 Q. Yeah, that came in from the credit bureaus,</p> <p>9 right, through the ACDV?</p> <p>10 A. That would be on the e-OSCAR system.</p> <p>11 Q. Right. And you saw that information, yes?</p> <p>12 A. Right.</p> <p>13 Q. You also knew that Mr. Durham had called NCA</p> <p>14 and had conversations with NCA before you processed</p> <p>15 your dispute, correct?</p> <p>16 A. The information is there, yes.</p> <p>17 Q. But you didn't listen to any call recordings</p> <p>18 because NCA doesn't allow you to, correct?</p> <p>19 A. Right, I don't listen to calls.</p> <p>20 Q. So the dispute process is that you have the</p> <p>21 e-OSCAR system, which is how you communicate with the</p> <p>22 credit bureaus, and then you also have your collection</p> <p>23 software called WinDebt, right?</p> <p>24 A. Right.</p> <p>25 Q. You open up one of the credit disputes that's</p>

1 in the queue, the system prepopulates a response, and  
 2 your job is to match the data, correct?  
 3 A. Match the data. If there's an image, we view  
 4 the image and see what's on the image, then we note  
 5 the account. Then we change the status if the status  
 6 is to change, and then we submit the account.  
 7 Q. If you don't receive an actual police report or  
 8 identity theft affidavit in a consumer's dispute  
 9 you're not allowed to delete the account, right?  
 10 A. Right.  
 11 Q. And all of that has been the exact same since  
 12 you first started working for NCA, correct?  
 13 A. Yes.  
 14 Q. So you yourself never actually verified whether  
 15 the information that's being disputed is itself true,  
 16 just that you're required to match, right?  
 17 A. No, I never verify that.  
 18 Q. And you yourself have never conducted any  
 19 investigation in your job, correct?  
 20 A. Correct.  
 21 Q. So the -- you process -- you process sometimes  
 22 up to 250 credit disputes per day. If there are no  
 23 system issues you do 200 disputes per day, correct?  
 24 A. The first time, yes.  
 25 Q. And NCA makes available a yearly bonus to

1 A. Right.  
 2 Q. And you received a higher bonus than her,  
 3 correct?  
 4 A. I'm not sure what she's getting.  
 5 Q. Your bonus has consistently been more than you  
 6 make in an entire week at least, right?  
 7 A. Yes.  
 8 Q. The auditing team for NCA is two employees that  
 9 work with you in Jamaica, but you don't know what that  
 10 process is like, right?  
 11 A. No, I don't know their process.  
 12 Q. You've never been disciplined?  
 13 A. No.  
 14 Q. You've only been promoted, correct?  
 15 A. Right.  
 16 Q. You don't know why you're testifying in this  
 17 case, correct?  
 18 A. I just know that there's a lawsuit pending  
 19 against NCA.  
 20 Q. NCA operates the same today as it did when you  
 21 first started working for NCA in processing ACDVs,  
 22 yes?  
 23 A. Yes.  
 24 Q. And you process ACDVs the same way today as you  
 25 did then, when you first started?

1 e-OSCAR members such as you, correct?  
 2 A. Correct.  
 3 Q. That yearly bonus is based on the number of  
 4 ACDVs processed, and according to your knowledge of the  
 5 account and accuracy, correct?  
 6 A. Right.  
 7 Q. Knowledge of the account is simply just knowing  
 8 which codes you're supposed to put in according to the  
 9 NCA, right?  
 10 A. Right.  
 11 Q. Accuracy simply means matching the system,  
 12 correct?  
 13 A. Correct.  
 14 Q. And the number of ACDVs that you process,  
 15 that's the other factor that considers how much your  
 16 bonus is going to be, correct?  
 17 A. Those are part of the factors.  
 18 Q. And, in fact, as far as knowledge of account  
 19 and accuracy, you are the same as Miss Brown your  
 20 colleague, correct?  
 21 A. Yes.  
 22 Q. Where you differ is in the number of ACDVs you  
 23 process, right?  
 24 A. Right.  
 25 Q. You do more than she does consistently, right?

1 A. Yes.  
 2 Q. If you could go back, you wouldn't do anything  
 3 differently, correct?  
 4 A. Correct.  
 5 Q. You treated Mr. Durham the same as you would  
 6 any other person in the world, correct?  
 7 A. I'll treat the account just as any other  
 8 account comes in the system.  
 9 Q. You do your job precisely as your employer  
 10 requires you to, right?  
 11 A. As the job requires, yes.  
 12 Q. But if NCA had changed those requirements and  
 13 made it to where you actually needed to determine  
 14 whether information was true, you would follow NCA's  
 15 new policies and procedures, correct?  
 16 A. If it's what they required of me.  
 17 Q. And if NCA required that if you could not  
 18 verify information as true and correct and accurate,  
 19 you would do that, right?  
 20 A. If it's what's required of me.  
 21 Q. But that's never been required of you, correct?  
 22 A. No, correct.  
 23 Q. Given that you live and work in Jamaica, you --  
 24 let me ask you this: Given the choice, would you be  
 25 willing to testify in a trial in this case, in the

1 United States?  
 2 A. No.  
 3 Q. And you're not a United States citizen so you  
 4 couldn't yourself come to the United States even if  
 5 you were required to, correct?  
 6 A. Right.  
 7 Q. It's 3:38 p.m. Eastern. I really appreciate  
 8 your time, ma'am. I don't have any other questions  
 9 for you. Thank you very much and I wish you the best  
 10 of luck.  
 11 A. Thank you, you too.  
 12 MS. CLAYDON: Miss Besley, I don't have  
 13 any follow-up questions.  
 14 THE WITNESS: Okay, ma'am.  
 15 MR. BRACKETT: I'll ask two questions,  
 16 they're always the same. Would you like the  
 17 opportunity to read and review your transcript?  
 18 MS. CLAYDON: I will answer for Miss  
 19 Besley and say yes, we'd like the opportunity to  
 20 review. Thank you. And we would also like to  
 21 order a copy electronically.  
 22 MR. BRACKETT: Very good. That was my  
 23 last question, would you like a copy of your  
 24 transcript.  
 25 Thank you for your time, Miss Besley.

1 THE WITNESS: You're welcome. You're  
 2 welcome.  
 3 (Deposition concluded at 9:44 a.m. HST)  
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 25

1 I, JENICE BESLEY, hereby certify that I have read the  
 2 foregoing typewritten pages, 1 through 97, inclusive,  
 3 and corrections, if any, were noted by me, and the  
 4 same is now a true and correct transcript of my  
 5 testimony.  
 6 DATED: Honolulu, Hawaii, \_\_\_\_\_  
 7  
 8  
 9  
 10 \_\_\_\_\_  
 11 JENICE BESLEY  
 12  
 13 Signed before me this \_\_\_\_\_  
 14 Day of \_\_\_\_\_, 20\_\_\_\_.  
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 16 \_\_\_\_\_  
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 22  
 23 Case: DEMETRE DURHAM vs. NATIONAL CREDIT ADJUSTERS,  
 LLC  
 24 Civil No.: 1:23-CV-00244 LEK-WRP  
 Deposition Dated: September 19, 2024  
 25 Taken by: Sheila Moore

## 1 CERTIFICATE

2 I, Sheila Moore, Certified Shorthand Reporter, do  
3 Hereby certify:

4 That the foregoing deposition was taken before me  
5 on the date and at the time shorthand and was  
6 thereafter reduced to typewriting; that the foregoing  
7 represents, to the best of my ability, a true and  
8 correct transcript of the proceedings had in the  
9 foregoing matter.

10 That pursuant to Rule 30(e) of the Hawaii Rules of  
11 Civil Procedure, a request for an opportunity to  
12 review and make changes to this transcript:

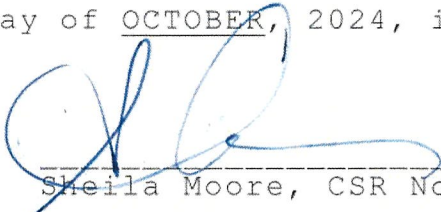
13   X   Was made by the deponent or a party (and/or  
14 their attorney) prior to the completion of the  
15 deposition.

16        Was NOT made by the deponent or a party (and/or  
17 their attorney) prior to the completion of the  
18 deposition.

19        Was waived.

20 I further certify that I am not an attorney for any  
21 of the parties thereto, nor in any way concerned with  
22 the cause.

23 Dated this 8TH day of OCTOBER, 2024, in Honolulu,  
24 Hawaii.

25   
\_\_\_\_\_  
Sheila Moore, CSR No. 501